

Patent No. 6,532,237 to Or et al. ("Or"). While the applicants agree that Or relates to testing a network topology, Or is different from the claimed invention. Or describes generating a network topology description for a Private Network to Network Interface (PNNI) protocol. However, Or is focused on automatic network topology generation and the creation of virtual portions of networks. Or does not teach or suggest a scheduling subsystem for scheduling testing scenarios or reserving network equipment according to a schedule for testing. In particular, Or does not teach or suggest allocating a particular, future time to testing activity or the reserving of equipment for that activity at that time.

The Examiner identifies column 8, lines 60-67 and column 9, lines 1-5 of Or as teaching the claimed scheduling subsystem. However, this portion of Or contains no reference to either scheduling or time. Thus, the applicants submit, that Or does not teach the claimed scheduling feature as originally claimed or as amended and reconsideration of the claims is respectfully requested.

The Examiner rejected claims 2-11, 14-15, 21 and 23-24 under 35 U.S.C. §103 over a combination of U.S. Patent No. 6,466,971 to Humpleman et al. ("Humpleman") and Or. The Examiner found that Or lacked a teaching of a XML-based language for describing network topology, but indicates that Humpleman provides this teaching. Neither Or nor Humpleman, however, teach the scheduling element claimed in independent claims 1, 22, 30, 32 and 37. Humpleman merely teaches a system for allowing device to device control in a home network where a browser may be used as part of the control function. Because neither reference teaches the scheduling element, the Examiner has not made out a prima facie case of obviousness and reconsideration of claims is respectfully requested.

The Examiner also rejected claims 12-13, 16-20, 22, 25-29, 31, 33 and 36 under 35

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U.S.C. §103 over Or. Because Or does not teach or suggest the scheduling element, however, claimed in each of the independent claims 1, 20, 30, 32 and 37, the Or reference does not represent a prima facie case of obviousness with respect to the independent claims, or claims depending therefrom.

For the foregoing reasons, reconsideration and allowance of the pending claims is respectfully requested. If the Examiner has any questions about this Amendment and to facilitate prosecution, the Examiner is encouraged to call the undersigned attorney.

Respectfully submitted,

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